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BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In Re:

OHIO RUBBER COMPANY,

Applicant.

Case No. 73-AV-261

CONSENT ORDER

Applicant, Ohio Rubber Company, hereby consents to the following Findings of Fact and Orders. The within Findings of Fact and Orders are hereby adopted by action of the Director this 7th day of March, 1975.

FINDINGS OF FACT

It is hereby understood, agreed, and admitted by both parties hereto that the following facts are true and accurate:

1. The Ohio Rubber Company, hereinafter referred to as Applicant, owns and operates a rubber molding facility located at 3911 Ben Hur Avenue, Willoughby, Lake County, Ohio, which facility includes a 100 million BTU coal-fired boiler (identified as boiler no. 4) which produces air contaminants and causes air pollution, and an 80 million BTU gas-fired boiler with no. 2 oil stand-by (identified as boiler no. 5) which produces a negligible amount of air contaminants when burning natural gas.

2. On November 24, 1972, Applicant applied to the Ohio Environmental Protection Agency (hereinafter "Agency") for Permits to Operate boiler no. 4 and boiler no. 5, and on July 16, 1973 resubmitted the application for boiler no. 4 to request a Variance to Operate.

3. On December 13, 1974, the Director of Environmental Protection (hereinafter "Director") issued a proposed denial of the variance application for boiler no. 4 referred to in Finding no. 2 above, and on January 10, 1974 Applicant requested an adjudication hearing relative to said proposed denial.

4. On May 3, 1974, the Director issued a Permit to Operate for boiler no. 5 which became effective on June 3, 1974.

5. The emissions resulting from the use of boiler no. 5 are sufficiently insignificant that it would be reasonable to exclude the heat input of boiler no. 5 for purposes of determining the allowable particulate emissions for boiler no. 4. The rated boiler heat input of boiler no. 4 is 100 million BTU per hour, which corresponds to a particulate emission limitation of 0.20 pounds per million BTU of heat input on the basis of figure II in OEPA Regulation AP-3-11.

6. Ambient air quality monitoring data available to the Agency indicates that the highest recorded SO_2 concentration in Lake County was an annual mean value of 44 micrograms per cubic meter for 1974, and 58 micrograms per cubic meter for 1973; the maximum 24-hour average SO_2

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concentration recorded in Lake County was 205 micrograms per cubic meter in 1974 and 190 micrograms per cubic meter in 1973.

7. On the basis of ambient air quality monitoring data available with respect to the area impacted by Applicant's emissions, it would be unreasonable to require Applicant to bear the additional expense of compliance with OEPA Regulation AP-3-14 at this time. The Director, however, is not precluded from issuing regulations or orders at a later date which would require Applicant to undertake a sulfur oxide control program. If such regulations or orders are proposed or adopted, Applicant has reserved any and all legal rights and defenses relative to contesting the imposition of additional pollution control programs for sulfur oxides.

8. Applicant's compliance with the Orders set forth herein is economically reasonable and technically feasible.

9. Applicant's compliance with the Orders set forth herein will produce benefits to the public equal to or greater than the hardship to Applicant of such compliance.

ORDERS

WHEREUPON, the Applicant agrees and consents to the following Final Orders issued by the Director:

1. Applicant is hereby granted authority to operate its boiler no. 4, which authority shall be conditioned upon Applicant's full compliance with the following:

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A. Within eleven (11) weeks after the effective date of this Consent Order, Applicant shall award necessary contracts for the purchase of equipment to control particulate emissions from Applicant's boiler no. 4. Copies of all purchase orders, together with any available manufacturer's technical literature relative to such emission control measures shall be submitted to the Northeast District Office of the Ohio Environmental Protection Agency.

B. Applicant shall complete installation of all emission control equipment for boiler no. 4 and have all such equipment in operation no later than fifty (50) weeks after the effective date of this Consent Order.

C. No later than fifty-four (54) weeks after the effective date of this Consent Order, Applicant shall submit particulate emission test results for boiler no. 4 to the Agency's Northeast District Office, together with an application for a Permit to Operate said boiler. Emission tests are to be conducted in accordance with the Agency's Source Testing Guidelines.

D. In the event that timely compliance with any of the foregoing requirements is rendered impossible for reasons beyond the control of Applicant, Applicant shall immediately notify

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the Agency's Northeast District Office of the reasons for such delay, together with a report as to the measures Applicant will take to attain the earliest possible compliance with such requirement.

2. The Applicant shall install, calibrate, operate, and maintain a recording steam flow indicator on boiler no. 4. All records obtained from such indicator shall be maintained for a minimum of two (2) years and shall be made available for inspection by any authorized Ohio Environmental Protection Agency's representative upon request at any reasonable time.

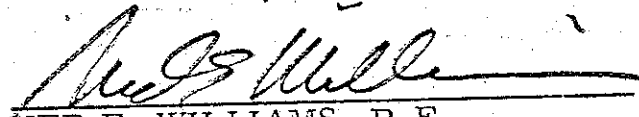
3. The heat input to boiler no. 4 shall be limited to 100 million BTU per hour or less. A steam flow rate of ^{76,000} ~~XXXX~~ pounds of steam per hour shall be considered as equivalent to 100 million BTU per hour of heat input. *2/1/75 OK KLB 2/1/75*

4. Boiler no. 5 will be limited to the use of natural gas and no. 2 distillate oil only. The Applicant shall report to the Northeast District Office any instance of gas curtailment for boiler no. 5 which extends beyond one week.

5. After the end of the time period for compliance set forth in Order no. 1 above, Applicant shall at all times operate its boiler no. 4 in compliance with OEPA Regulations AP-3-07 and AP-3-11 and emissions of particulate matter from boiler no. 4 shall at no time after such time period exceed 0.20 pounds particulate emission per million BTU heat input.

6. Applicant shall maintain the use of fuel in its boiler no.

4 of sulfur content equal to or less than that presently being used, to wit:
coal with a sulfur content of not more than ^{3.2% 2/11/75 OK 2/11/75} ~~2/8~~ per cent by weight as
received. Applicant shall keep records of analysis showing the monthly
average sulfur and ash content of coal used. Such records shall be sub-
mitted to the Agency's Northeast District Office on a semi-annual basis
beginning August 15, 1975. The method for determining the per cent
of sulfur in coal shall be that described in ASTM D-271-68, Standard
Methods of Laboratory Sampling and Analysis of Coal and Coke, or an
equivalent method approved by the Director.


NED E. WILLIAMS, P. E.
Director of Environmental Protection

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Applicant hereby consents to the making and entry of the foregoing Orders by the Director of Environmental Protection, and hereby waives its right to a hearing before the Ohio Environmental Protection Agency. Applicant further waives its rights to contest the lawfulness of the foregoing Orders before the Environmental Board of Review or any court of competent jurisdiction, either in law or equity.

BY: Elden A. Kremer
Vice President
(Title)
Authorized Representative for
Applicant

APPROVED:

WILLIAM J. BROWN
ATTORNEY GENERAL OF OHIO

BY: Robert L. Brubaker
Robert L. Brubaker
Assistant Attorney General

BY: Charles S. Dauter
Counsel for Applicant

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